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10/032,184	12/21/2001	Masakazu Nakamura	112857-309	4924

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EXAMINER
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BUTLER, MICHAEL E

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/032,184

Applicant(s)

NAKAMURA ET AL.

Examiner

Michael Butler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 23 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1,14-18 and 52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,14-18, and 52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action, and apply to this and any subsequent Office Actions.

#### ***Priority***

1. Applicant's claim of priority to applications P2000-393083; P2000-393032 P2000-392953 ; P2000-392878 all filed 12/25/00 in Japan is made is acknowledged.

#### ***Election/Restriction***

2. Applicant's election of invention I without traverse of the restriction requirement in Paper No. 5 is acknowledged and made final.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1, 14-18, 52 and 54 are rejected under 35 U.S.C. 102(e) as being anticipated by Laval et al. which discloses:

(re: cl 1,14,52,54) An electronic ticket management system comprising:  
an event organizer apparatus for planning an event (c6 L 32-46);  
an electronic ticket distribution authentication apparatus for distributing electronic ticket information that authenticates a right to attend the event (c7 L 55-c8 L65) ;  
an information storage chip for storing the electronic ticket information (c3.L61-63; c8 L 10-28);

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and an electronic ticket platform center for managing the distribution of the electronic ticket information, wherein the event organizer apparatus creates event information unique to each event, and registers the event information in the electronic ticket platform center (c6 L 32-46);

wherein the electronic ticket distribution authentication apparatus receives a request to distribute the electronic ticket information concerning the event from a user of the information storage chip, performs distribution authentication processing for determining whether the electronic ticket information is to be distributed to the user, and registers an authentication result in the electronic ticket platform center as ticket issuing information (c8 L 16-39);

and wherein the electronic ticket platform center creates an electronic ticket information master based on the event information registered by the event organizer apparatus, relates the ticket issuing information registered by the electronic ticket distribution authentication apparatus to the electronic ticket information master, and performs ticket issuing processing for writing the electronic ticket information into the information storage chip based on the ticket issuing information (c8 L 16-54);

and instructs the electronic ticket platform center to perform ticket issuing processing for writing the electronic ticket information into the information storage chip of the user based on the ticket issuing information (c8 L 16-54)

ticket issuing information being register in the electronic distribution authentication apparatus based on the generated ticket information master (c16 L34-c17 L 29 ; c14 L 30-c15 L 9);

generating event information at an event organizer apparatus (c7 L 7-33; c14 L 30-c15 L 9)

(Re: cl 15) an event organizer apparatus for planning an event manages an allocation ratio of the electronic ticket information (c6 L 32-46);

(Re: cl 16) the request to distribute the electronic ticket information from the user is sent via a network (c14 L 39-54);

(Re: cl 17) an electronic ticket information distribution store terminal is provided, and the request to distribute the electronic ticket information from the user is sent via the electronic ticket information distribution store terminal (c8 L 16-39);

(Re: cl 18) the electronic ticket information includes user information concerning the user of the information storage chip (c8 L 10-28);

(Re: cl 52) and an electronic ticket information reader installed at an event venue corresponding to the event information, for reading the electronic ticket information stored in the information storage chip and for permitting a user of the information storage chip to enter the event venue only when the integrity of the event information stored in the read electronic ticket information is verified (c8 L 10-28 ; c14 L 17-22).

***Claim Rejections - 35 USC § 103***

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 14-18, 52 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mahoney et al. in view of Goldstein et al. '426 wherein Mahoney et al. discloses:

(re: cl 1,14,52,54) An electronic ticket management system comprising:  
an event organizer apparatus for planning an event ( c3 L 16-55);  
an electronic ticket distribution authentication apparatus for distributing electronic ticket information that authenticates a right to attend the event; an information storage for storing the electronic ticket information (c3 L 57-67 );  
and an electronic ticket platform center for managing the distribution of the electronic ticket information, wherein the event organizer apparatus creates event information unique to each event, and registers the event information in the electronic ticket platform center (c3 L 34-56);  
wherein the electronic ticket distribution authentication apparatus receives a request to distribute the electronic ticket information concerning the event from a user of the information storage chip, performs distribution authentication processing for determining whether the electronic ticket information is to be distributed to the user, and registers an authentication result in the electronic ticket platform center as ticket issuing information ( c4 L1-32);  
and wherein the electronic ticket platform center creates an electronic ticket information master based on the event information registered by the event organizer apparatus, relates the ticket issuing information registered by the electronic ticket distribution authentication apparatus to the electronic ticket information master, and performs ticket issuing processing for writing the electronic ticket information into the information storage based on the ticket issuing information (c4 L 1-32);  
and instructs the electronic ticket platform center to perform ticket issuing processing for writing the electronic ticket information into the information storage of the user based on the ticket issuing information (c2 L 14-28) ;  
generating event information at an event organizer apparatus ticket issuing (c3 L 16-67)information being register in the electronic distribution authentication apparatus based on the generated ticket information master ( c3 L 16-55);

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(Re: cl 15) an event organizer apparatus for planning an event manages an allocation ratio of the electronic ticket information (c3 L 34-56);

(Re: cl 16) the request to distribute the electronic ticket information from the user is sent via a network (c4 L 1-32);

(Re: cl 17) an electronic ticket information distribution store terminal is provided, and the request to distribute the electronic ticket information from the user is sent via the electronic ticket information distribution store terminal (c4 L 1-32);

(Re: cl 18) the electronic ticket information includes user information concerning the user of the information storage (c2 L 14-44);

(Re: cl 52) and an electronic ticket information reader installed at an event venue corresponding to the event information, for reading the electronic ticket information stored in the information storage and for permitting a user of the information storage to enter the event venue only when the integrity of the event information stored in the read electronic ticket information is verified (c4 L 37-51).

Goldstein et al. '426 discloses any elements not disclosed by Mahoney et al. including: a system for distributing a smart access card for storing the data (c3 L 53-c4 L 50).

It would have been obvious at the time of the invention for Mahoney et al. to update the technology to the smart card because smart card can provide greater security and flexibility of download and upload of than with magnetic cards as taught by Goldstein et al. '426 and come up with the instant invention.

### ***Response to Arguments***

7. The applicant's arguments have been fully considered but they are unpersuasive in overcoming the rejections.

Laval et al. clearly has an apparatus for planning an event-the cited passage even show such feature- the controlled distribution of the tickets. The Laval et al. features components that check for counterfeiting tickets-an authentication. Laval et al. is checking for validated customers and their times for the event and checking to see if they have multiple events patrons using are attending multiple A master list clearly exists and is being updated, see fig 10. The

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validator of Laval et al. is clearly an authentication apparatus. The lists on the master server qualify as information master.

See MPEP 2114 regarding applicant's attempts to distinguish his apparatus claims using functional instead of structural limitations.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (703) 308-8344.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on (703) 306-4173. The fax number for the Group is (703) 305-7687.

*Michael E Butler*

Michael E. Butler

Examiner

*Donald F. Walsh*  
DONALD F. WALSH  
SUPERVISORY PATENT EXAMINER  
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